

Message Text

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ORIGIN COME-00

INFO OCT-01 ARA-10 EUR-12 EA-09 ISO-00 OES-06 ACDA-10
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02
DLOS-06 DODE-00 DOTE-00 EB-07 EPA-04 ERDA-07 FMC-02
TRSE-00 H-02 INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00
NSC-05 NSF-02 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15
USIA-15 SAL-01 FEA-01 /162 R

DRAFTED BY COMM/NOAA/NMFS:RARNAUDO:YJ

APPROVED BY OES/OFA/FA:ALZUCCA

COMM/NOAA/NMFS:PFOX

COMM/NOAA/NMFS:HBEASLEY

STATE-OES/OFA:RMONKS 632-2379

COMM/NOAA/NMFS:WJENSEN

OES/ENP/EN:CSANDERS

-----182130Z 084830 /70

P 182041Z JAN 77

FM SECSTATE WASHDC

TO AMEMBASSY WARSAW PRIORITY

AMEMBASSY TAIPEI PRIORITY

AMEMBASSY BERLIN PRIORITY

AMEMBASSY BUCHAREST PRIORITY

AMEMBASSY MOSCOW PRIORITY

AMEMBASSY SOFIA PRIORITY

AMEMBASSY SEOUL PRIORITY

AMEMBASSY TOKYO PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY BONN PRIORITY

AMEMBASSY ROME PRIORITY

USMISSION EC BRUSSELS PRIORITY

AMEMBASSY MEXICO PRIORITY

AMEMBASSY OTTAWA PRIORITY

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E.O. 11652: N/A

TAGS: EFIS, PL, TW, GE, RO, UR, BU, KS, JA, SF,

SUBJECT: INCIDENTAL TAKE OF MARINE MAMMALS BY
FOREIGN FISHERMEN

1. AS OF MARCH 1, 1977, SECTION 101(A) (2) OF THE MARINE MAMMAL PROTECTION ACT OF 1972 AND REGULATIONS ISSUED THEREUNDER WILL PROHIBIT TAKING MARINE MAMMALS INCIDENTALLY TO COMMERCIAL FISHING OPERATIONS IN THE U.S. FISHERY CONSERVATION ZONE (FCZ) (THE ZONE OUT TO 200 MILES) EXCEPT WHERE MASTERS OF VESSELS HAVE IN POSSESSION A CERTIFICATE OF INCLUSION ISSUED UNDER A GENERAL PERMIT AUTHORIZING INCIDENTAL TAKE.

2. IT IS NOT NECESSARY FOR A MASTER OR PERSON IN CHARGE OF A VESSEL TO HAVE A MARINE MAMMAL PERMIT OR CERTIFICATE OF INCLUSION IN ORDER TO CARRY ON FISHING OPERATION WITHIN THE U.S. FISHERY CONSERVATION ZONE. HOWEVER, IF ANY MARINE MAMMALS ARE TAKEN BY A VESSEL IN THE COURSE OF ITS OPERATIONS AND A CERTIFICATE OF INCLUSION ISSUED UNDER A GENERAL PERMIT IS NOT IN THE POSSESSION OF THE MASTER OR PERSON IN CHARGE, THE MASTER AND VESSEL WILL BE SUBJECT TO PROSECUTION AND IMPOSITION OF APPLICABLE PENALTIES UNDER THE MARINE MAMMAL PROTECTION ACT. TAKING IS DEFINED TO INCLUDE KILLING, HUNTING, CAPTURING, OR HARASSING ANY MARINE MAMMAL, OR ATTEMPTING SAME.

3. THE DEPARTMENT OF COMMERCE ISSUES GENERAL PERMITS COVERING VESSELS USING SPECIFIED TYPES OF GEAR, WHICH MAY TAKE MARINE MAMMALS INCIDENTALLY TO COMMERCIAL FISHING. NATIONS APPLYING FOR GENERAL PERMITS SHOULD SUBMIT THE INFORMATION OUTLINED BELOW:

A. NAME AND ADDRESS OF ORGANIZATION WHOSE NAME SHOULD UNCLASSIFIED

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APPEAR ON THE GENERAL PERMIT(S)

B. THE CATEGORY OF GENERAL PERMIT WHICH THE APPLICANT WISHES TO RECEIVE

1. TOWED AND DRAGGED GEAR
2. ENCIRCLING GEAR, YELLOWFIN TUNA PURSE SEINING
3. ENCIRCLING GEAR, SEINING OTHER THEN YELLOWFIN TUNA
4. STATIONARY GEAR
5. OTHER GEAR (INCLUDING TROLLING, GILLNETS, HOOK AND LINE, AND OTHER GEAR)

C. DESCRIPTION OF WHY TAKING OF MARINE MAMMALS CANNOT BE AVOIDED

D. DATE PERMIT IS TO BECOME EFFECTIVE

E. A STATEMENT REGARDING:

1. SPECIES OF FISH TO BE SOUGHT
2. GENERAL AREA OF OPERATION

3. NUMBERS OF EACH SPECIES OF MARINE MAMMALS EXPECTED
TO BE TAKEN

F. DESCRIPTION OF PROCEDURES AND TECHNIQUES THAT WILL BE
UTILIZED IN ORDER THAT TAKINGS ARE CONSISTENT WITH
THE MARINE MAMMAL PROTECTION ACT.

G. IDENTITY OF VESSELS AND THEIR CAPTAINS TO RECEIVE
CERTIFICATES OF INCLUSION UNDER EACH OF THE GENERAL
PERMITS FOR EACH VESSEL, PLEASE SPECIFY (1) SPECIES
OF FISH TO BE SOUGHT AND (2) GENERAL AREA OF OPERATION

4. PLEASE SUBMIT THIS INFORMATION TO:

MR. ROBERT W. SCHONING
DIRECTOR
NATIONAL MARINE FISHERIES SERVICE
WASHINGTON, D.C. 20235
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5. THE DEPARTMENT OF COMMERCE WILL ISSUE CERTIFICATES OF
INCLUSION TO CAPTAINS OF EACH VESSEL AT THE SAME TIME
THE GENERAL PERMIT IS ISSUED. FEES THAT WILL BE CHARGED
FOR ISSUANCE OF CERTIFICATES OF INCLUSION ARE OUTLINED
IN THE REGULATIONS PUBLISHED IN THE FEDERAL REGISTER,
DECEMBER 5, 1975, VOLUME 40, NUMBER 235. COPIES OF
THESE REGULATIONS WILL BE POUCHED SEPARATELY. FEES ARE
10 DOLLARS PER CERTIFICATE, AND SHOULD BE INCLUDED WITH
APPLICATIONS.

6. THIRTY DAYS ARE REQUIRED FOR PUBLIC COMMENT AFTER
APPLICATIONS ARE RECEIVED AND PUBLISHED IN THE
FEDERAL REGISTER. APPLICATIONS SHOULD BE RECEIVED BY
JANUARY 28, 1977, IF PERMITS AND CERTIFICATES ARE TO BE
ISSUED BY MARCH 1, 1977.

7. ACTION REQUESTED: PLEASE TRANSMIT ABOVE
INFORMATION TO APPROPRIATE HOST COUNTRY FISHERY MINISTRY
OFFICIALS.
KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Copy: SINGLE
Sent Date: 18-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: RARNAUDO:YJ
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Litigation History:
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Review Withdrawn Fields: n/a
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Secure: OPEN
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Subject: INCIDENTAL TAKE OF MARINE MAMMALS BY FOREIGN FISHERMEN
TAGS: EFIS, PL, TW, GC, RO, UR, BU, KS, JA, SF, US
To: WARSAW TAIPEI MULTIPLE
Type: TE
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Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
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